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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Question of Western Sahara

Report of the Secretary-General

1. The General Assembly, at its forty-seventh session, adopted, without a vote, resolution 47/25 on 25 November 1992, on the question of Western Sahara. The present report, which covers the period from 3 October 1992 to 17 September 1993, is submitted in pursuance of paragraph 6 of that resolution.

2. The Secretary-General, in close cooperation with the current Chairman of the Organization of African Unity (OAU), has continued to exercise his good offices with the parties concerned.

3. In a progress report to the Security Council, 1/ the Secretary-General recalled his appointment of Brigadier-General André Van Baelen (Belgium) to the post of Acting Force Commander, with effect from 1 October 1992. He also recalled that, pending the fulfilment of the conditions necessary for the commencement of the transitional period in accordance with the timetable and plan of action set out in his report of 19 April 1991, 2/ the military mandate of the United Nations Mission for the Referendum in Western Sahara remained restricted to monitoring and verifying the cease-fire in effect since 6 September 1991. He was pleased to report that there were no breaches of the cease-fire resulting in casualties on either side and that violations were without exception of a non-violent nature.

4. The Secretary-General further recalled in his report the basic positions of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) regarding the provisions of the settlement plan for Western Sahara. He reported that the opposing points of view of the parties concerning the basic question of the establishment of the electorate largely accounted for their differences. That was made clear in their recent talks with his Special Representative concerning both the interpretation of the criteria and the equally important question of evidence in support of applications for participation in the referendum. 1/

5. Since the outcome of these talks was not conclusive, the Secretary-General suggested that his Special Representative undertake further consultations with a view to clarifying certain unresolved questions and to determining with the parties whether a meeting of tribal chiefs such as that organized by the United Nations at Geneva in June 1990 could contribute to the resolution of the problems impeding the implementation of the settlement plan. 1/

6. In a letter dated 8 October 1992, 3/ the President of the Security Council, on behalf of the members of the Council, welcomed the above suggestions and, thereafter, the Special Representative of the Secretary-General decided, in consultation with the parties, to invite 38 Western Saharan tribal chiefs to a consultative meeting on 30 November and 1 December 1992 at the Palais des Nations at Geneva. The participants, of whom 19 had been designated by the Government of Morocco and 19 by the Frente POLISARIO, were to advise the Special Representative on questions relating to the means of identifying persons authorized to participate in the referendum. 1/

7. However, as stated in the Secretary-General's report, 1/ because of differences relating to the powers of some participants designated by the Moroccan party, the consultative meeting had to be cancelled, despite the compromise proposals put forward by the Special Representative to the delegations of both parties at Geneva.

8. In the light of the above, the Secretary-General observed in his report that, notwithstanding the prior acceptance of the general provisions of the settlement plan, important substantial disagreements persisted between the parties regarding fundamental issues and that, despite intensive efforts exerted by the Secretary-General and his Special Representative, it had not been possible to resolve the dilemma that impinged on the very core of the settlement plan. Taking into account those developments, the Secretary-General requested guidance from the Security Council on the following three options:

(a) Continuation and, if possible, intensification of talks;

(b) Immediate implementation of the settlement plan on the basis of the instructions for the review of applications for participation in the referendum appearing in a previous report of the Secretary-General issued in December 1991; 4/

(c) Adoption of an alternative approach not based on the settlement plan.

9. On 10 February 1993, speaking on the question of Western Sahara at the opening session of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Secretary-General stated that Western Sahara continued to be of concern to the international community. In this regard, he was pursuing the work of his predecessor, Mr. Javier Pérez de Cuéllar. As indicated in the reports that he had regularly submitted to the Security Council, which continued to be seized of the question, he had endeavoured to iron out the difficulties that could hinder the implementation of the settlement plan, which provided for the organization and holding by the United Nations of a referendum on self-determination in Western Sahara. He had spoken several times with all the interested parties, and his Special Representative for Western

Sahara had made several trips to the region for the purpose of consultation and dialogue (A/AC.109/PV.1412; see also A/AC.109/1163).

10. On 2 March 1993, the Security Council unanimously adopted resolution 809 (1993) in which, inter alia, the Council invited the Secretary-General and his special representative to intensify their efforts, with the parties, in order to resolve the issues identified in his report, 1/ in particular those relating to the interpretation and application of the criteria for voter eligibility. The Council invited further the Secretary-General to make the necessary preparations for the organization of the referendum of self-determination of the people of Western Sahara and to consult accordingly with the parties for the purpose of commencing voter registration on a prompt basis starting with the updated lists of the 1974 census. The Council invited also the Secretary-General to report to it as soon as possible and not later than May 1993 on the outcome of his efforts, on the cooperation of the parties and on the prospects and modalities for the holding of the referendum on a free and fair basis with a view that this take place by the end of the current year at the latest.

11. In pursuance of the above resolution, the Secretary-General submitted a further report to the Security Council on 21 May 1993. 5/ The report indicated that the Special Representative of the Secretary-General had travelled to the mission area at the end of March for talks with the parties. Those consultations were essentially aimed at eliciting the views of the parties regarding a possible compromise to bridge existing differences over the interpretation and application of the eligibility criteria enunciated in a previous report of the Secretary-General issued in December 1991. 4/

12. The Special Representative reported that both sides had shown a desire to move towards an early referendum. Some progress had been made in the sense that Morocco had not expressed objections to the main elements of the outline of a proposed compromise and the Frente POLISARIO had, for its part, not rejected the compromise outright, even though it had maintained its earlier reservations about the crucial aspects of the criteria, namely, the testimony in support of the eligibility of applicants to vote. 5/

13. Against that background and in response to the calls from the parties, as well as from several members of the Security Council, the Secretary-General decided to visit the mission area in the first week of June 1993, accompanied by the Special Representative, to make one more effort to seek a compromise solution. 5/

14. Pending that visit, discussions were held with the parties during the months of March and April concerning a number of relevant issues. Both sides confirmed their desire to proceed promptly with the registration of voters and to cooperate with MINURSO in that task. It was also decided to establish an Identification Commission, commencing with a nucleus of about 10 members. 5/

15. In a letter dated 28 May 1993, 6/ the President of the Security Council informed the Secretary-General that the latter's interim report on Western Sahara 5/ had been brought to the attention of the members of the Security Council and that the Council welcomed his decision to visit the region. The members of the Security Council also welcomed the establishment of the

Identification Commission and expressed the hope that it would complete its work as soon as possible.

16. In a report to the Security Council, 7/ the Secretary-General informed the Council that he visited the mission area from 31 May to 4 June 1993, accompanied by his Special Representative. At Rabat the Secretary-General was received by His Majesty King Hassan II of Morocco. He also held meetings with the Prime Minister, Mr. Mohamed Karim Lamrani, the Minister of State, Mr. Moulay Ahmed Alaoui, the Minister for State for Foreign Affairs and Cooperation, Mr. Abdellatif Filali, and the Minister of the Interior and Information, Mr. Driss Basri, and other senior officials. In the area of Tindouf he met with the Secretary-General of the Frente POLISARIO, Mr. Mohammed Abdelaziz. Senior Frente POLISARIO officials were also present. At Algiers he was received by the President of the Haut Comité d'Etat, Mr. Ali Kafi. Meetings were also held with the Head of Government, Mr. Belaid Abdeslam, and other members of the Haut Comité d'Etat, Mr. Redha Malek, Minister for Foreign Affairs, and General Khaled Nazzar, Minister of Defence. While on a subsequent mission at Vienna from 10 to 17 June, he held further consultations with the Permanent Representative of Morocco to the United Nations, Mr. Ahmed Snoussi, the POLISARIO Coordinator with MINURSO, Mr. Mustafa Bachir Sayed, and the Foreign Minister of Algeria, as well as the Permanent Representative of Mauritania to the United Nations, Mr. Mohamedou Ould Mohamed Mahmoud.

17. Additionally, the current Chairman and the Secretary-General of the Organization of African Unity (OAU) were kept regularly informed of ongoing efforts in pursuance of Security Council resolution 809 (1993). Other senior government officials from States members of the Security Council were briefed by the Secretary-General on the Western Sahara question during his visits to Paris and Vienna. 7/

18. As stated in the report, 7/ the aim of the Secretary-General's visit to the mission area was to urge the parties to accept a compromise solution with regard to the interpretation and application of the criteria for voter eligibility. To that effect the Secretary-General presented to the parties a comprehensive text 8/ based on talks with the parties in August and September 1992 and on their comments regarding the outline of a possible compromise which his Special Representative had proposed during a visit to the mission area in March 1993. The Secretary-General invited the parties to convey to him as early as possible their views regarding the acceptability of his compromise proposals, to enable him to submit recommendations to the Security Council in a full report in pursuance of resolution 809 (1993).

19. To follow up the discussions of the Secretary-General with the authorities concerned, his Special Representative held another round of meetings in the mission area from 5 to 20 June 1993. During these and subsequent consultations, both parties reaffirmed their commitment to the implementation of the peace plan in its entirety and their determination to move towards an early referendum. Both parties stressed that they did not reject the proposed compromise, but expressed reservations on certain provisions of the text. Reservations expressed by the authorities at Rabat centred on specific provisions concerning tribal links with the Territory which, in their view, were unduly restrictive.

In spite of those concerns, Morocco has since acquiesced in the compromise in its present form. 7/

20. For its part the Frente POLISARIO conveyed to the Special Representative its acceptance of all the criteria for voter eligibility enunciated by the former Secretary-General in the annex to his report of 19 December 1991, 4/ thus signifying a favourable change in the earlier position of the Frente POLISARIO which had consistently objected to several of these criteria. With regard to the proposed compromise on the interpretation and application of the criteria for voter eligibility, the Frente POLISARIO also conveyed its acceptance of oral testimony in support of individual applications for participation in the referendum, which indicated another favourable change in its earlier position. However, in expressing substantial reservations on the compromise, the POLISARIO authorities proposed several amendments to the text. Their reservations and proposed amendments concerned primarily provisions relating to tribal links with the Territory and to the composition of the tribal chiefs (shiukhs) invited to testify, which they considered unduly permissive. 7/

21. Noting in his report 7/ that he had consistently sought to encourage direct talks between the parties as a way of facilitating the implementation of the peace plan, the Secretary-General was gratified to learn that, shortly after his visit to the mission area, both parties finally agreed to initiate direct talks in mid-July at Laayoune and to ask for the assistance of the United Nations in holding that meeting. Notwithstanding difficulties in the preparation and organization of the talks and other problems, mostly of a procedural nature, the delegations of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro met from 17 to 19 July 1993 at Laayoune, in the presence of the Special Representative as United Nations observer. While it would have been unrealistic to expect a major breakthrough on substantial issues - nor was this the primary aim of the talks - it was an encouraging sign that this exploratory dialogue was held in a positive spirit, marked by restraint and mutual respect. The Secretary-General reported that neither party had excluded the possibility of resuming the talks for wider discussions on issues of mutual concern. It was his earnest hope that such talks would soon be resumed as a follow-up of the Laayoune initiative.

22. The Secretary-General further reported that Mr. Erik Jensen (Malaysia) was appointed Chairman of the Identification Commission in May 1993 and that the Commission began work on establishing, with the authorities of both parties, the detailed procedures for identification and registration, starting in the Laayoune and Tindouf areas. The Police Commissioner, Colonel Jürgen Friedrich Reimann (Germany), who assumed his functions in May 1993 as Head of the Security Unit of MINURSO, arrived in the mission area with a small contingent of civilian police officers. This first contingent would accompany the registration teams to provide security and order at the various sites for registering voters. 7/

23. At the twenty-ninth ordinary session of the Assembly of Heads of State and Government of OAU, at Cairo on 28 June 1993, the United Nations Secretary-General made a statement in which, inter alia, he informed the Assembly of his visit to the mission area in the first week of June. He was optimistic that agreement on the terms of reference for the referendum would

soon be reached, and that this would help to generate momentum for the holding of the referendum at an early date. 9/

24. In a letter dated 4 August 1993 addressed to the Secretary-General, 10/ the President of the Security Council informed him that the members of the Council fully supported his efforts to make early progress on the preparations for holding the referendum in accordance with resolution 809 (1993). They welcomed the reaffirmation by the two parties of their commitment to the implementation of the peace plan in its entirety and, in particular, their encouraging responses to his compromise proposal concerning the interpretation and application of the criteria, and their determination to work towards an early referendum. The members of the Council agreed that the holding of direct talks between the two parties in Laayoune from 17 to 19 July 1993 was a positive development and shared the Secretary-General's hope that talks would soon resume.

25. The Secretary-General and his Special Representative are continuing their efforts with the parties, in order to resolve the outstanding issues and to prepare for the holding of the referendum of self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990), 690 (1991) and 809 (1993). In pursuing those efforts the Secretary-General has maintained close contact with the current Chairman of OAU on developments relating to the question of Western Sahara. Since his visit to the mission area, he has also remained in regular contact with the two parties and government officials of the neighbouring countries, either personally or through his senior aides, in order to expedite the implementation of the above resolutions, in particular Council resolution 809 (1993).

26. In his latest report to the Security Council, 7/ the Secretary-General indicated his intention to submit in due course a full report to the Council in pursuance of resolution 809 (1993).

Notes

1/ S/25170.

2/ S/22464 and Corr.1.

3/ S/24645.

4/ S/23299, annex.

5/ S/25818.

6/ S/25861.

7/ S/26185.

8/ Ibid., annex I.

Notes (continued)

9/ A/AC.109/1163, para. 23.

10/ S/26239.